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7 United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

V.

FRANK JONATHAN GUZMAN, and
JOSE CRUZ IVAN AISPURO,

Defendants.

CASE NO. 2:19-CR-232-JAM

**STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER**

DATE: January 24, 2023

TIME: 9:00 a.m.

COURT: Hon. John A. Mendez

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on January 24, 2023.

2. By this stipulation, the parties request to continue the status conference to March 28,

2023, at 9:00 a.m., and to exclude time between January 24, 2023, and March 28, 2023, under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].

3. The parties agree and stipulate, and request that the Court find the following:

a) The government has represented that the discovery associated with this case

includes approximately 928 pages of investigative reports, photographs, and other documents, as

1 well as multiple video and audio recordings. All of this discovery has been either produced
2 directly to counsel and/or made available for inspection and copying.

3 b) Counsel for defendants need additional time to review the discovery, meet with
4 their clients to assess the discovery, conduct necessary investigation, conduct legal research into
5 trial issues and sentencing issues, discuss potential resolutions with their clients, and otherwise
6 prepare for trial.

7 c) Counsel for defendants believe that failure to grant the above-requested
8 continuance would deny them the reasonable time necessary for effective preparation, taking into
9 account the exercise of due diligence.

10 d) The government does not object to the continuance.

11 e) Based on the above-stated findings, the ends of justice served by continuing the
12 case as requested outweigh the interest of the public and the defendant in a trial within the
13 original date prescribed by the Speedy Trial Act.

14 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
15 et seq., within which trial must commence, the time period of January 24, 2023, to March 28,
16 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
17 T4] on the basis of the Court's finding that the ends of justice served by taking such action
18 outweigh the best interest of the public and the defendant in a speedy trial.

19 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
20 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
21 must commence.

22 IT IS SO STIPULATED.

23 Dated: January 18, 2023

24 PHILLIP A. TALBERT
United States Attorney

25 /s/ DAVID W. SPENCER
26 DAVID W. SPENCER
27 Assistant United States Attorney

1 Dated: January 18, 2023

/s/ Kelly Babineau

2 Kelly Babineau
3 Counsel for Defendant
FRANK JONATHAN
GUZMAN

4 Dated: January 18, 2023

/s/ David W. Dratman

5 David W. Dratman
6 Counsel for Defendant
JOSE CRUZ IVAN AISPURO

7

8 **FINDINGS AND ORDER**

9

10 IT IS SO FOUND AND ORDERED this 18th day of January, 2023.

11 /s/ John A. Mendez

12 THE HONORABLE JOHN A. MENDEZ
13 SENIOR UNITED STATES DISTRICT JUDGE